

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1114 be amended to read as follows:

- 1 Page 6, after line 12, begin a new paragraph and insert:
- 2 "SECTION 5. IC 14-33-5-21 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) If the board
- 4 issues revenue bonds for the collection, treatment, and disposal of
- 5 sewage and liquid waste, the board may do the following:
- 6 (1) **Subject to sections 21.1 and 21.2 of this chapter**, establish
- 7 just and equitable rates and charges and use the same basis for the
- 8 rates as provided in IC 36-9-23-25 through IC 36-9-23-29.
- 9 (2) Collect and enforce the rates, beginning with the
- 10 commencement of construction as provided in IC 36-9-23.
- 11 (3) Establish rules and regulations.
- 12 (4) Require connection to the board's sewer system of any
- 13 property producing sewage or similar waste and require
- 14 discontinuance of use of privies, cesspools, septic tanks, and
- 15 similar structures. The board may enforce this requirement by
- 16 civil action in circuit or superior court as provided in
- 17 IC 36-9-23-30.
- 18 (5) Provide for and collect a connection charge to the board's
- 19 sewer system as provided in IC 36-9-23-25 through
- 20 IC 36-9-23-29.
- 21 (6) Contract for treatment of the board's sewage and pay a fair and
- 22 reasonable connection fee or rate for treatment, or a combination
- 23 of both, as provided in IC 36-9-23-16.
- 24 (7) Secure the bonds by a trust indenture as provided in

IC 36-9-23-22.

(8) Create a sinking fund for the payment of principal and interest and accumulate reasonable reserves as provided in IC 36-9-23-21.

(9) Issue temporary revenue bonds to be exchanged for definite revenue bonds as provided in IC 36-9-23-17 through IC 36-9-23-20.

(10) Issue additional revenue bonds as part of the same issue if the issue does not meet the full cost of the project for which the bonds were issued as provided in IC 36-9-23-17 through IC 36-9-23-20.

(11) Issue additional revenue bonds for improvements, enlargements, and extensions as provided in IC 36-9-23-18.

(12) Covenant with the holders of the revenue bonds for the following:

(A) Protection of the holders concerning the use of money derived from the sale of bonds.

(B) The collection of necessary rates and charges and segregation of the rates and charges for payment of principal and interest.

(C) Remedy if a default occurs.

The covenants may extend to both repayment from revenues and other money available to the district by other statute as provided in IC 36-9-23.

(b) In the same manner as provided by IC 36-9-23, the rates or charges made, assessed, or established by the district are a lien on a lot, parcel of land, or building that is connected with or uses the works by or through any part of the sewage system of the district. The liens:

(1) attach;

(2) are recorded;

(3) are subject to the same penalties, interest, and reasonable attorney's fees on recovery; and

(4) shall be collected and enforced;

in substantially the same manner as provided in IC 36-9-23-31 through IC 36-9-23-32.

SECTION 6. IC 14-33-5-21.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 21.1. (a) This section applies to a campground that:**

(1) is connected with the sewage works of a district established for the purpose described in IC 14-33-1-1(a)(5); or

(2) uses or is served by the sewage works of a district established for the purpose described in IC 14-33-1-1(a)(5).

(b) Beginning September 1, 2009, if a campground is billed for sewage service at a flat rate under section 21(a)(1) of this chapter, the campground may instead elect to be billed for the sewage service under this subsection by installing, at the campground's

1 expense, a meter to measure the actual amount of sewage
 2 discharged by the campground into the district's sewers. If a
 3 campground elects to be billed by use of a meter:

4 (1) the rate charged by the district's board for the metered
 5 sewage service may not exceed the rate charged to residential
 6 customers for equivalent usage; and

7 (2) the amount charged by the board for the campground's
 8 monthly sewage service for the period beginning September
 9 1 and ending May 31 must be equal to the greater of:

10 (A) the actual amount that would be charged for the
 11 sewage discharged during the month by the campground
 12 as measured by the meter; or

13 (B) the lowest monthly charge paid by the campground for
 14 sewage service during the previous period beginning June
 15 1 and ending August 31.

16 (c) If a campground does not install a meter under subsection
 17 (b) and is billed for sewage service at a flat rate under section
 18 21(a)(1) of this chapter, for a calendar year beginning after
 19 December 31, 2009, each campsite at the campground may not
 20 equal more than one-third (1/3) of one (1) resident equivalent unit.
 21 The basic monthly charge for the campground's sewage service
 22 must be equal to the number of the campground's resident
 23 equivalent units multiplied by the rate charged by the board for a
 24 resident unit.

25 (d) The board may impose additional charges on a campground
 26 under subsections (b) and (c) if the board incurs additional costs
 27 that are caused by any unique factors that apply to providing
 28 sewage service for the campground, including, but not limited to:

29 (1) the installation of:

30 (A) oversized pipe; or

31 (B) any other unique equipment;

32 necessary to provide sewage service for the campground; and

33 (2) concentrations of biochemical oxygen demand (BOD) that
 34 exceed federal pollutant standards.

35 SECTION 7. IC 14-33-5-21.2 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2009]: Sec. 21.2. (a) As used in this section,
 38 "commission" refers to the Indiana utility regulatory commission
 39 created by IC 8-1-1-2.

40 (b) This section applies to an owner or operator of a
 41 campground described in section 21.1(b) or 21.1(c) of this chapter
 42 who disputes:

43 (1) that the campground is being billed at rates charged to
 44 residential customers for equivalent usage as required by
 45 section 21.1(b)(1) of this chapter;

46 (2) the number of resident equivalent units determined for the
 47 campground under section 21.1(c) of this chapter; or

(3) that any additional charges imposed on the campground under section 21.1(d) of this chapter are reasonable or nondiscriminatory.

(c) If an owner or operator:

(1) makes a good faith attempt to resolve a disputed matter described in subsection (b)(1) through (b)(3) through:

(A) any grievance or complaint procedure prescribed by the board; or

(B) other negotiations with the board; and

(2) is dissatisfied with the board's proposed disposition of the matter;

the owner or operator may file with the commission a written request for review of the disputed matter and the board's proposed disposition of the matter to be conducted by the commission's appeals division established under IC 8-1-2-34.5(b). The owner or operator must file a request under this section with the commission and the board not later than seven (7) days after receiving notice of the board's proposed disposition of the matter.

(d) The commission's appeals division shall provide an informal review of the disputed matter. The review must include a prompt and thorough investigation of the dispute. Upon request by either party, or on the division's own motion, the division shall require the parties to attend a conference on the matter at a date, time, and place determined by the division.

(e) In any case in which the basic monthly charge for a campground's sewage service is in dispute, the owner or operator shall pay, on any disputed bill issued while a review under this section is pending, the basic monthly charge billed during the year immediately preceding the year in which the first disputed bill is issued. If the basic monthly charge paid while the review is pending exceeds any monthly charge determined by the commission in a decision issued under subsection (f), the board shall refund or credit the excess amount paid to the owner or operator. If the basic monthly charge paid while the review is pending is less than any monthly charge determined by the appeals division or commission in a decision issued under subsection (f), the owner or operator shall pay the board the difference owed.

(f) After conducting the review required under subsection (d), the appeals division shall issue a written decision resolving the disputed matter. The division shall send a copy of the decision to:

(1) the owner or operator of the campground; and

(2) the board;

by United States mail. Not later than seven (7) days after receiving the written decision of the appeals division, either party may make a written request for the dispute to be formally docketed as a proceeding before the commission. Subject to the right of either party to an appeal under IC 8-1-3, the decision of the commission

- 1 is final.
- 2 (g) The commission shall maintain a record of all requests for
- 3 a review made under this section. The record must include:
- 4 (1) a copy of the appeals division's and commission's decision
- 5 under subsection (f) for each dispute filed; and
- 6 (2) any other documents filed with the appeals division or
- 7 commission under this section.
- 8 The record must be made available for public inspection and
- 9 copying in the office of the commission during regular business
- 10 hours under IC 5-14-3.
- 11 (h) The commission may adopt rules under IC 4-22-2 to
- 12 implement this section."
- 13 Renumber all SECTIONS consecutively.
- (Reference is to HB 1114 as printed February 13, 2009.)

Representative Wolkins